

(d) DEFINITIONS.—In this section:

(1) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization that is designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) STATE SPONSOR OF TERRORISM.—The term “state sponsor of terrorism” has the meaning given that term in section 301(13) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8541(13)).

SA 40. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SPECIAL INSPECTOR GENERAL FOR UKRAINE ASSISTANCE.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations, including within the territory of Ukraine, relating to the programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to prevent and detect waste, fraud, and abuse in such programs and operations described in paragraph (1).

(3) To provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress on corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Ukraine Assistance to carry out the purposes set forth in subsection (a).

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Ukraine Assistance is the Special Inspector General for Ukraine Assistance (in this section referred to as the “Inspector General”), who shall be appointed by the President with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) REMOVAL.—The Inspector General shall be removable from office in accordance with

the provisions of section 403(b) of title 5, United States Code.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine or from issuing any subpoena during the course of any such audit or investigation.

(f) DUTIES.—

(1) OVERSIGHT OF MILITARY AND NONMILITARY SUPPORT OF UKRAINE.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of contracts funded by such funds;

(C) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(D) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(E) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies;

(F) the monitoring and review of all military and nonmilitary activities funded by such funds; and

(G) the tracking and monitoring of all lethal and nonlethal security assistance provided by the United States, including a review of compliance with all applicable end-use certification requirements.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities

of inspectors general under chapter 4 of title 5, United States Code.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

(A) The Inspector General of the Department of Defense.

(B) The Inspector General of the Department of State.

(C) The Inspector General of the United States Agency for International Development.

(g) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 406 of title 5, United States Code, including the authorities under subsection (e) of such section.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 404(b)(1) of title 5, United States Code.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—

(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Ukraine Assistance terminates under subsection (o).

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Inspector General with—

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Ukraine or at an appropriate United States military installation in the European theater, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services

for such offices and the equipment and facilities located therein; and

(B) appropriate and adequate support for audits, investigations, and related activities by the Inspector General or assigned personnel within the territory of Ukraine.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

(i) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with military and nonmilitary support of Ukraine, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(C) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(D) An accounting comparison of—

(i) the military and nonmilitary support provided to Ukraine by the United States; and

(ii) the military and nonmilitary support provided to Ukraine by other North Atlantic Treaty Organization member countries, including allied contributions to Ukraine that are subsequently backfilled or subsidized using United States funds.

(E) An evaluation of the compliance of the Government of Ukraine with all requirements for receiving United States funds, including a description of any area of concern

with respect to the ability of the Government of Ukraine to achieve such compliance.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Ukraine.

(B) To establish or reestablish a political or societal institution of Ukraine.

(C) To provide products or services to the people of Ukraine.

(D) To provide lethal or nonlethal weaponry to Ukraine.

(E) To otherwise provide military or nonmilitary support to Ukraine.

(3) PUBLIC AVAILABILITY.—The Inspector General shall publish on a publicly available internet website each report under paragraph (1) of this subsection in English and other languages that the Inspector General determines are widely used and understood in Ukraine.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Inspector General considers it necessary.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—

(1) SUBMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

(2) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees any comments on the matters covered by the report. Such comments shall be submitted in unclassified form, but may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

(B) ACCESS.—On request, any Member of Congress may view comments submitted under subparagraph (A), including the classified annex.

(k) TRANSPARENCY.—

(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2)(A) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2)(A), if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2)(A), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(3) SUBMISSION OF COMMENTS.—The President may not waive under this subsection subparagraphs (A) or (B) of subsection (j).

(m) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY AND NONMILITARY SUPPORT OF UKRAINE.—The term “amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine” means—

(A) amounts appropriated or otherwise made available on or after January 1, 2022, for—

(i) the Ukraine Security Assistance Initiative under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1608);

(ii) any foreign military financing accessed by the Government of Ukraine;

(iii) the Presidential drawdown authority under section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a));

(iv) the defense institution building program under section 332 of title 10, United States Code;

(v) the building partner capacity program under section 333 of title 10, United States Code;

(vi) the International Military Education and Training program of the Department of State; and

(vii) the United States European Command; and

(B) amounts appropriated or otherwise made available on or after January 1, 2022, for the military, economic, reconstruction, or humanitarian support of Ukraine under any account or for any purpose not described in subparagraph (A).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committees on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Oversight and Accountability of the House of Representatives.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$70,000,000 for fiscal year 2023 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2023 for the Ukraine Security Assistance Initiative is hereby reduced by \$70,000,000.

(o) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Ukraine Assistance shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine that are unexpended are less than \$250,000,000.

(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Ukraine Assistance under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

SA 41. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 2, line 5, delete “hereby repealed” and insert “repealed effective 30 days after the Secretary of Defense certifies to Congress that legal authorities permitting the detention of terrorists and the litigation position of the United States regarding the detention of terrorists being held in whole or in part under the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) would not be weakened by such repeal”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MARKEY. Madam President, I have 14 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the

Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:45 p.m., to conduct a business meeting.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a closed business meeting.

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND BORDER SAFETY

The Subcommittee on Immigration, Citizenship, and Border Safety of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2023, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Madam President, I ask unanimous consent that the following interns in my office be granted floor privileges until May 5, 2023: Andrew Jarocki, Nicholas Sierco, Leon Kamenev, and Henry Beck.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 23, 2023

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Thursday, March 23; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of Calendar No. 25, S. 316; further, that at 11:30 a.m., the Senate vote on the Lee amendment, No. 22, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, March 23, 2023, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 22, 2023:

THE JUDICIARY

GORDON P. GALLAGHER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.